

REMARKS

The Office Action mailed on February 02, 2007 has been received and reviewed. Claims 1-3, 12, 13, 15, 16, 23-27, 33, 34, 37 remain in the case. Claims 1, 3-16, 19-24, and 27-37 were rejected under 35 U.S.C. 103(a) as being anticipated by Wu et al. (6,732,267), Hiller et al (6,658,659), and Talati et al (20040044997) hereinafter simply Wu, Hiller, and Talati respectively.

In order to expedite allowance, Applicants have elected to incorporate into the independent claims the subject matter of various dependent claims that Applicants assert is not found in the prior art. Specifically, Applicants have included the subject matter of dependent claims 4-6 and 11 within independent claim 1 and canceled claims 4-6 and 11. Applicants have also removed the subject matter of original claims 2 and 3 from claim 1 and reinstated claims 2 and 3. Similar amendments have been made to the other independent claims.

In light of the rejections, a review of the present invention may help clarify the novelty of the Applicants' claims over the cited prior art. As shown in figures 3 and 5, the present invention utilizes a fastload key. The key is embedded into a new code image by the fastload key module, enabling the fastload adapter initialization module to look directly at the new code image to determine if a fastload process may be executed. In the absence of a fastload key, the fastload adapter turns over control to a conventional initialization sequence. A primary functionality of the present invention is the ability to use the actual new code image to determine if the use of a fastload process is appropriate, or if normal boot handshakes and POSTs should be utilized. By embedding the fastload key into the new image, the process of determining a course of action is both simplified and optimized over the processes defined in the prior art. To focus on this distinction, claim 1 has been amended to read "a fastload key module configured to create and store a fastload key in a new code image to indicate a fastload code image update on the communications adapter".

Applicants assert that the cited prior art is not suited to recognize the differences between eligible fastload images and images better suited for standard initialization. The ability to distinguish between appropriate methods through an indication process is not defined by the prior art. Specifically, the prior art fails to mention a key, or indicator, that

could be used to indicate that the new code image is fast loadable. The prior art also fails to mention any modification of the actual new code image to indicate that a fastload process could be implemented.

Regarding the rejection of claims 4-6 which are now incorporated into claim 1, Applicants assert that Wu does not disclose a “fastload key module configured to create and store a fastload key,” rather, Wu discloses a normal reboot process that is executed every time there is a successful BIOS rewrite. (see Column 4 lines 52-55) Furthermore, lines 52-55 make no indication of a marker, or indicator, that would signify a fastload image update or even an alternate process. Furthermore, no indication is made by Hillard, Wu, or Talati that the metadata, or data contained in the new code image is modified in preparation for a fastload process.

Regarding the rejection of claim 5 which is now incorporated into claim 1, Applicants assert that Wu does not disclose “a fastload adapter initialization module configured to initialize the communications adapter using a fastload initialization sequence in response to a fastload code image update,”. Applicants note that Wu column 4, lines 52-55 reads: “If BIOS updating was successfully completed the target system will proceed with the normal reboot process at step 226. If not, BIOS updating procedures will cease and the system will execute a normal reboot process.” Wu, in this case, discloses using a normal reboot process whether or not a failure occurs. Applicants assert that Wu is simply indicating that a failed BIOS process will cause a halt in operation and result in a complete reboot. In contrast to Wu, the fastload adapter of the present invention does not reboot the system. Rather, the fastload adapter initializes a fast load code image update and reverts to a standard initialization in the case of a failure, providing a significant advantage over halting the operation and rebooting. Furthermore, Wu makes no specific reference to any type of fastload module in the lines cited as grounds for rejection.

The present invention clearly defines that multiple methods may be used depending on the presence of a key. Wu does not mention multiple methods or a key indicating that the fastload module was not anticipated by Wu. Furthermore, accessing an indicator located on a new code image prior to initialization is a feature that is not mentioned by Wu, Hillard, or Talati.

Claim 11 was rejected based on Wu Section 4, Lines 30-32, which reads “At step 214, the BIOS will examine the updated BIOS image to determine whether it is valid by executing any suitable “checksum” procedure, and if so, will proceed to replace the old system BIOS with the updated system BIOS image by writing over the old system BIOS with the updated BIOS image.” Applicants assert that the cited text does not indicate that any branching occurs between the old and new code image. While Wu anticipates the use of the old code image, and then the use of the new code image, Wu does not make specific reference to the use of a branch module to utilize both simultaneously. To clarify this distinction with the prior art, specific language has been inserted into claim 1 indicating that branching occurs while the writing process is occurring, a process not anticipated by Wu.

Claim 12 was rejected based on Wu’s statement “At step 214, the BIOS will examine the updated BIOS image to determine whether it is valid by executing a suitable checksum procedure, and if so, will process to replace the old system BIOS with the updated system BIOS image.” Applicants assert that Wu uses the old BIOS, or old code image, to facilitate a code image update. The present invention, on the other hand, utilizes a bootstrap section on the new code image to facilitate a code image update. Applicants assert that the use of a new code image before the new code is loaded is a novel aspect of the present invention. Specifically, Applicants assert that the ability to use elements of the new code and old code images while maintaining input and output processing is a combination not anticipated in the prior art.

CONCLUSION

Applicants assert that Wu, Hillard, and Talati do not anticipate all of the limitations included within each of the independent claims. Applicants therefore assert that each of the remaining claims is in condition for allowance and respectfully request prompt allowance of the pending claims. In the event that the Examiner finds any remaining impediments to the prompt allowance of any of these claims which could be clarified in a telephone conference, the Examiner is respectfully urged to initiate the same with the undersigned.

Respectfully submitted,

Date: May 22, 2007

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